COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
NORTHERN VIRGINIA REGIONAL OFFICE
13901 Crown Court, Woodbridge, Virginia 22193
(703) 583-3800 Fax (703) 583-3801
www.deq.virginia.gov

Preston Bryant
Secretary of Natural Resources

David K. Paylor
Director

Thomas A. Faha
Regional Director

14 April 2008

Ms. Susan Horning
Terminal Manager
Motiva Enterprises LLC
Fairfax Terminal
3800 Pickett Road
Fairfax, VA 22031

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: Reissuance of VPDES Permit No. VA0002283
Motiva Enterprises LLC – Fairfax Distribution Terminal

Dear Ms. Horning:

The Department of Environmental Quality (DEQ) has approved the enclosed effluent limitations and monitoring requirements for the aforementioned permit. A copy of your permit and the Discharge Monitoring Report (DMR) forms are included. Please make additional copies of the DMRs for future use. The first DMR for each respective Outfall is due based on the following schedule:

Outfall Number:	Due Date:
001	10 June 2008
002	10 October 2008
003	The 10th of the month following a discharge event

Please send DMRs to:

Virginia Department of Environmental Quality
Northern Regional Office
13901 Crown Court
Woodbridge, VA 22193-1453

Please reference the effluent limits in your permit and report monitoring results on the DMRs to the same number of significant digits as are included in the permit limits for the parameter.

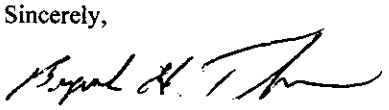
Note that DEQ has launched an e-DMR program that allows you to submit the effluent data electronically. If you are interested in participating in this program, please visit the following website for details: http://www.deq.virginia.gov/water/edmrfaq.html.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period.

Alternately, any owner under §§ 62.1-44.16, 62.1-44.17, and 62.1-44.19 of the State Water Control Law aggrieved by any action of the State Water Control Board taken without a formal hearing, or by inaction of the Board, may demand in writing a formal hearing of such owner's grievance, provided a petition requesting such hearing is filed with the Board. Said petition must meet the requirements set forth in §1.23(b) of the Board's Procedural Rule No. 1. In cases involving actions of the Board, such petition must be filed within thirty days after notice of such action is mailed to such owner by certified mail.

If you have questions about the permit, please contact Douglas Frasier at (703) 583-3873, or by email at ddfrasier@deq.virginia.gov.

Sincerely,



Bryant H. Thomas
Water Permit Manager

Enc.: Permit No. VA0002283

cc: DEQ-Water, OWPP
EPA-Region III, 3WP12
Department of Health, Culpeper
Water Compliance, NRO
Water Resources Development, NRO
John R. Mittauer, MACTEC Engineering

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)
DISCHARGE MONITORING REPORT(DMR)

Industrial Minor 04/07/2008

PERMITTEE NAME/ADDRESS(INCLUDE FACILITY NAME/LOCATION IF DIFFERENT)

NAME Motiva Enterprises LLC - Fairfax
ADDRESS 3800 Pickett Rd
Fairfax VA 22031
FACILITY LOCATION 3800 Pickett Rd

VA0002283	001
PERMIT NUMBER	DISCHARGE NUMBER

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
FROM				TO			

DEPT. OF ENVIRONMENTAL QUALITY
(REGIONAL OFFICE)
Northern Regional Office
13901 Crown Court
Woodbridge VA 22193

NOTE: **READ PERMIT AND GENERAL INSTRUCTIONS BEFORE COMPLETING THIS FORM.**

PARAMETER		QUANTITY OR LOADING			QUALITY OR CONCENTRATION				NO. EX.	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM	UNITS			
001 FLOW	REPORTD				*********	*********	*********				
	REQRMNT	NL	NL	MGD	*********	*********	*********			1/M	EST
002 PH	REPORTD	*********	*********			*********					
	REQRMNT	*********	*********		6.0	*********	9.0	SU		1/M	GRAB
257 PETROLEUM HYDROCARBONS, TOTAL RECOVE	REPORTD	*********	*********		*********	*********					
	REQRMNT	*********	*********		*********	*********	15	MG/L		1/M	GRAB
442 COPPER, DISSOLVED (UG/L AS CU)	REPORTD	*********	*********		*********	*********					
	REQRMNT	*********	*********		*********	*********	NL	UG/L		1/YR	GRAB
448 ZINC, DISSOLVED (AS ZN) (UG/L)	REPORTD	*********	*********		*********	*********					
	REQRMNT	*********	*********		*********	*********	NL	UG/L		1/YR	GRAB
704 NOAEC - ACUTE 48 HR STAT CERIODAPHNIA DUBIA	REPORTD	*********	*********		*********	*********					
	REQRMNT	*********	*********		*********	*********	NL	TU-A		1/YR	GRAB
	REPORTD										
	REQRMNT									*******	
	REPORTD										
	REQRMNT									*******	

ADDITIONAL PERMIT REQUIREMENTS OR COMMENTS

BYPASSES AND OVERFLOWS	TOTAL OCCURRENCES	TOTAL FLOW(M.G.)	TOTAL BOD5(K.G.)

I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS TO THE BEST OF MY KNOWLEDGE AND BELIEF TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS. SEE 18 U.S.C. & 1001 AND 33 U.S.C. & 1319. (Penalties under these statutes may include fines up to $10,000 and/or maximum imprisonment of between 6 months and 5 years.)

OPERATOR IN RESPONSIBLE CHARGE			DATE		
TYPED OR PRINTED NAME	**SIGNATURE**	**CERTIFICATE NO.**	**YEAR**	**MO.**	**DAY**
PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		**TELEPHONE**			
TYPED OR PRINTED NAME	**SIGNATURE**		**YEAR**	**MO.**	**DAY**

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)
DISCHARGE MONITORING REPORT(DMR)

Industrial Minor 04/07/2008

PERMITTEE NAME/ADDRESS(INCLUDE FACILITY NAME/LOCATION IF DIFFERENT)

NAME Motiva Enterprises LLC - Fairfax
ADDRESS 3800 Pickett Rd
Fairfax VA 22031
FACILITY LOCATION 3800 Pickett Rd

VA0002283	002
PERMIT NUMBER	DISCHARGE NUMBER

MONITORING PERIOD

	YEAR	MO	DAY		YEAR	MO	DAY
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		AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM	UNITS			
001 FLOW	REPORTD				*********	*********	*********				
	REQRMNT	NL	NL	MGD	*********	*********	*********			1/3M	EST
002 PH	REPORTD	*********	*********			*********					
	REQRMNT	*********	*********		6.0	*********	9.0	SU		1/3M	GRAB
137 HARDNESS, TOTAL (AS CACO3)	REPORTD	*********	*********			*********	*********				
	REQRMNT	*********	*********		50	*********	*********	MG/L		1/3M	GRAB
172 ETHYLBENZENE	REPORTD	*********	*********		*********	*********					
	REQRMNT	*********	*********		*********	*********	320	UG/L		1/3M	GRAB
196 ZINC, TOTAL RECOVERABLE	REPORTD	*********	*********		*********	*********					
	REQRMNT	*********	*********		*********	*********	53	UG/L		1/3M	GRAB
216 BENZENE (AS C6H6)	REPORTD	*********	*********		*********	*********					
	REQRMNT	*********	*********		*********	*********	50	UG/L		1/3M	GRAB
222 TOLUENE (AS C7H8)	REPORTD	*********	*********		*********	*********					
	REQRMNT	*********	*********		*********	*********	175	UG/L		1/3M	GRAB
252 XYLENE (AS C8H10)	REPORTD	*********	*********		*********	*********					
	REQRMNT	*********	*********		*********	*********	33	UG/L		1/3M	GRAB

ADDITIONAL PERMIT REQUIREMENTS OR COMMENTS

BYPASSES AND OVERFLOWS	TOTAL OCCURRENCES	TOTAL FLOW(M.G.)	TOTAL BOD5(K.G.)

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PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		**TELEPHONE**			
TYPED OR PRINTED NAME	**SIGNATURE**		**YEAR**	**MO.**	**DAY**

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)
DISCHARGE MONITORING REPORT(DMR)

Industrial Minor 04/07/2008

PERMITTEE NAME/ADDRESS(INCLUDE FACILITY NAME/LOCATION IF DIFFERENT)

NAME Motiva Enterprises LLC - Fairfax
ADDRESS 3800 Pickett Rd
Fairfax VA 22031
FACILITY LOCATION 3800 Pickett Rd

VA0002283	002
PERMIT NUMBER	DISCHARGE NUMBER

MONITORING PERIOD

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		AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM	UNITS			
257 PETROLEUM HYDROCARBONS, TOTAL RECOVE	REPORTD	*********	*********		*********	*********					
	REQRMNT	*********	*********		*********	*********	10	MG/L		1/3M	GRAB
293 NAPHTHALENE (AS C10H8)	REPORTD	*********	*********		*********	*********					
	REQRMNT	*********	*********		*********	*********	10	UG/L		1/3M	GRAB
380 TOXICITY, FINAL, CHRONIC	REPORTD	*********	*********		*********	*********					
	REQRMNT	*********	*********		*********	*********	1.8	TU-C		1/3M	24HC
	REPORTD										
	REQRMNT									*******	
	REPORTD										
	REQRMNT									*******	
	REPORTD										
	REQRMNT									*******	
	REPORTD										
	REQRMNT									*******	
	REPORTD										
	REQRMNT									*******	

ADDITIONAL PERMIT REQUIREMENTS OR COMMENTS

BYPASSES AND OVERFLOWS	TOTAL OCCURRENCES	TOTAL FLOW(M.G.)	TOTAL BOD5(K.G.)

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PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		**TELEPHONE**			
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COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)
DISCHARGE MONITORING REPORT(DMR)

Industrial Minor 04/07/2008

PERMITTEE NAME/ADDRESS(INCLUDE FACILITY NAME/LOCATION IF DIFFERENT)

NAME Motiva Enterprises LLC - Fairfax
ADDRESS 3800 Pickett Rd
Fairfax VA 22031
FACILITY LOCATION 3800 Pickett Rd

VA0002283	003
PERMIT NUMBER	DISCHARGE NUMBER

MONITORING PERIOD

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FROM				TO			

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		AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM	UNITS			
001 FLOW	REPORTD				*********	*********	*********				
	REQRMNT	NL	NL	MGD	*********	*********	*********			CNTG	EST
002 PH	REPORTD	*********	*********			*********					
	REQRMNT	*********	*********		6.0	*********	9.0	SU		CNTG	GRAB
165 CL2, INST RES MAX	REPORTD	*********	*********		*********	*********					
	REQRMNT	*********	*********		*********	*********	16	UG/L		CNTG	GRAB
172 ETHYLBENZENE	REPORTD	*********	*********		*********	*********					
	REQRMNT	*********	*********		*********	*********	320	UG/L		CNTG	GRAB
216 BENZENE (AS C6H6)	REPORTD	*********	*********		*********	*********					
	REQRMNT	*********	*********		*********	*********	53	UG/L		CNTG	GRAB
222 TOLUENE (AS C7H8)	REPORTD	*********	*********		*********	*********					
	REQRMNT	*********	*********		*********	*********	175	UG/L		CNTG	GRAB
252 XYLENE (AS C8H10)	REPORTD	*********	*********		*********	*********					
	REQRMNT	*********	*********		*********	*********	33	UG/L		CNTG	GRAB
257 PETROLEUM HYDROCARBONS, TOTAL RECOVE	REPORTD	*********	*********		*********	*********					
	REQRMNT	*********	*********		*********	*********	15	MG/L		CNTG	GRAB

ADDITIONAL PERMIT REQUIREMENTS OR COMMENTS

BYPASSES AND OVERFLOWS	TOTAL OCCURRENCES	TOTAL FLOW(M.G.)	TOTAL BOD5(K.G.)

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PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		**TELEPHONE**			
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COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)
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Industrial Minor 04/07/2008

PERMITTEE NAME/ADDRESS(INCLUDE FACILITY NAME/LOCATION IF DIFFERENT)

NAME Motiva Enterprises LLC - Fairfax
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VA0002283	003
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		AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM	UNITS			
293 NAPHTHALENE (AS C10H8)	REPORTD	********	********		********	********					
	REQRMNT	********	********		********	********	10	UG/L		CNTG	GRAB
	REPORTD										
	REQRMNT									*******	
	REPORTD										
	REQRMNT									*******	
	REPORTD										
	REQRMNT									*******	
	REPORTD										
	REQRMNT									*******	
	REPORTD										
	REQRMNT									*******	
	REPORTD										
	REQRMNT									*******	
	REPORTD										
	REQRMNT									*******	

ADDITIONAL PERMIT REQUIREMENTS OR COMMENTS

BYPASSES AND OVERFLOWS	TOTAL OCCURRENCES	TOTAL FLOW(M.G.)	TOTAL BOD5(K.G.)

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OPERATOR IN RESPONSIBLE CHARGE			DATE		
TYPED OR PRINTED NAME	**SIGNATURE**	**CERTIFICATE NO.**	**YEAR**	**MO.**	**DAY**
PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		**TELEPHONE**			
TYPED OR PRINTED NAME	**SIGNATURE**		**YEAR**	**MO.**	**DAY**

THIS REPORT IS REQUIRED BY LAW (33 U. S. C. § 1318 40 CFR 122.60). FAILURE TO REPORT OR FAILURE TO REPORT TRUTHFULLY CAN RESULT IN CIVIL PENALTIES NOT TO EXCEED $10,000 PER DAY OF VIOLATION: OR IN CRIMINAL PENALTIES NOT TO EXCEED $25,000 PER DAY OF VIOLATION OR BY IMPRISONMENT FOR NOT MORE THAN FIVE YEARS, OR BOTH.

GENERAL INSTRUCTIONS

1. **Complete this form in permanent ink or indelible pencil.**
2. **Be sure to enter the dates for the first and last day of the period covered by the report on the form in the space marked "Monitoring Period".**
3. **For those parameters where the "permit requirement" spaces are blank or a limitation appears, provide data in the "reported" spaces in accordance with your permit.**
4. **Enter the average and, if appropriate, maximum quantities and units in the "reported" spaces in the columns marked "Quantity or Loading". KG/DAY = Concentration(mg/l) x Flow(MGD) x 3.785.**
5. **Enter maximum, minimum, and/or average concentrations and units in the "reported" spaces in the columns marked "Quality or Concentration".**
6. **Enter the number of samples which do not comply with the maximum and /or minimum permit requirements in the "reported" space in the column marked "No. Ex.".**
7. **Enter the actual frequency of analysis for each parameter (number of times per day, week, month) in the "reported" space in the column marked "Frequency of Analysis".**
8. **Enter the actual type of sample collected for each parameter in the "reported" space in the column marked "Sample Type".**
9. **Enter additional required data or comments in the space marked "additional permit requirements or comments".**
10. **Record the number of bypasses during the month, the total flow in million gallons and BOD5 in kilograms in the proper columns in the section marked "Bypasses and Overflows".**
11. **The operator in responsible charge of the facility should review the form and sign in the space provided. If the plant is required to have a licensed operator, the operator's certificate number should be reported in the space provided.**
12. **The principal executive officer should then review the form and sign in the space provided and provide a telephone number where he/she can be reached.**
13. **You are required to sample at the frequency and type indicated in your permit.**
14. **Send the completed form to your Dept. of Environmental Quality Regional Office by the 10th of each month.**
15. **You are required to retain a copy of the report for your records.**
16. **Where violations of permit requirements are reported, attach a brief explanation in accordance with the permit requirements describing causes and corrective actions taken. Reference each violation by date.**
17. **If you have any questions, contact the Dept. of Environmental Quality Regional Office.**

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Permit No. **VA0002283**
Effective Date: **April 16, 2008**
Expiration Date: **April 15, 2013**

AUTHORIZATION TO DISCHARGE UNDER THE
VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM
AND THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act as amended and pursuant to the State Water Control Law and regulations adopted pursuant thereto, the following owner is authorized to discharge in accordance with the information submitted with the permit application, and with this permit cover page, Part I – Effluent Limitations and Monitoring Requirements, and Part II – Conditions Applicable To All VPDES Permits, as set forth herein.

Owner Name:	Motiva Enterprises LLC
Facility Name:	Fairfax Distribution Terminal
County:	Fairfax
Facility Location:	3800 Pickett Road, Fairfax, VA

The owner is authorized to discharge to the following receiving stream:

Stream Name:	Crook Branch
River Basin:	Potomac
River Subbasin:	None
Section:	07
Class:	III
Special Standards:	b

Thomas A. Faha
Director, Northern Regional Office
Department of Environmental Quality

April 14, 2008
Date

A. Effluent Limitations and Monitoring Requirements

1. Outfall 001 – Effluent from the Stormwater Retention Pond

a. The effluent shall be free of sheens. There shall be no discharge of floating solids or visible foam in other than trace amounts.

b. During the period beginning with the permit's effective date and lasting until the permit expiration date, the permittee is authorized to discharge from Outfall Number 001.

c. There shall be no discharge of tank bottom waters.

d. See Part I.D. for specific industrial stormwater management requirements.

Parameter	Discharge Limitations				Monitoring Requirements	
	Monthly Average[1]	Weekly Average[1]	Minimum	Maximum[1]	Frequency	Sample Type
Flow (MGD)	NL	N/A	N/A	NL	1/M	EST
pH	N/A	N/A	6.0 S.U.	9.0 S.U.	1/M	Grab
Total Petroleum Hydrocarbons [2]	N/A	N/A	N/A	15 mg/L	1/M	Grab
Acute Toxicity – *C. dubia* (TUa) [3]	N/A	N/A	N/A	NL	1/Y	Grab
Copper, Dissolved (µg/L)	N/A	N/A	N/A	NL	1/Y	Grab
Zinc, Dissolved (µg/L)	N/A	N/A	N/A	NL	1/Y	Grab

[1] See Part I.B.

[2] Samples shall be analyzed using the Wisconsin Department of Natural Resources Modified Diesel Range Organics Method as specified in Wisconsin publication SW-141 (1995) or by EPA SW-846 Method 8015B (1996) for diesel range organics or by EPA SW-846 Method 8270C (1998). If Method 8270C is used, the lab must report the combination of diesel range organics and polynuclear aromatic hydrocarbons.

[3] See Part I.C.1–3. for specific toxicity monitoring requirements and reporting dates.

MGD = Million gallons per day.
N/A = Not applicable.
NL = No limit; monitor and report.
S.U. = Standard units.
1/M = Once every month.
1/Y = Once every year.

EST= Reported flow is to be based on the technical evaluation of the sources contributing to the discharge.
Grab = An individual sample collected over a period of time not to exceed 15-minutes.

2. Outfall 002 – Effluent from Treated Groundwater Remediation

a. The effluent shall be free of sheens. There shall be no discharge of floating solids or visible foam in other than trace amounts.

b. During the period beginning with the permit's effective date and lasting until the permit expiration date, the permittee is authorized to discharge from Outfall Number 002.

Parameter	Discharge Limitations				Monitoring Requirements	
	Monthly Average[1]	Weekly Average[1]	Minimum	Maximum[1]	Frequency	Sample Type
Flow (MGD)	NL	N/A	N/A	NL	1/3M	EST
pH	N/A	N/A	6.0 S.U.	9.0 S.U.	1/3M	Grab
Total Petroleum Hydrocarbons[2]	N/A	N/A	N/A	10 mg/L	1/3M	Grab
Benzene	N/A	N/A	N/A	50 µg/L	1/3M	Grab
Ethylbenzene	N/A	N/A	N/A	320 µg/L	1/3M	Grab
Toluene	N/A	N/A	N/A	175 µg/L	1/3M	Grab
Total Xylenes	N/A	N/A	N/A	33 µg/L	1/3M	Grab
Naphthalene	N/A	N/A	N/A	10 µg/L	1/3M	Grab
Zinc, Total Recoverable	N/A	N/A	N/A	53 µg/L	1/3M	Grab
Hardness	N/A	N/A	50 mg/L	N/A	1/3M	Grab
Chronic Toxicity – C. dubia (TUc)[3]	N/A	N/A	N/A	1.8 TUc	1/3M	24H-C

[1] See Part I.B.

[2] Samples shall be analyzed using the Wisconsin Department of Natural Resources Modified Diesel Range Organics Method as specified in Wisconsin publication SW-141 (1995) or by EPA SW-846 Method 8015B (1996) for diesel range organics or by EPA SW-846 Method 8270C (1998). If Method 8270C is used, the lab must report the combination of diesel range organics and polynuclear aromatic hydrocarbons.

[3] See Part I.C.4. for specific toxicity monitoring requirements and reporting dates.

MGD = Million gallons per day.
N/A = Not applicable.
NL = No limit; monitor and report.
S.U. = Standard units.
1/3M = Once every calendar quarter.

24H-C = A flow proportional composite sample collected manually or automatically, and discretely or continuously, for the entire discharge of the monitored 24-hour period. Where discrete sampling is employed, the permittee shall collect a minimum of twenty-four (24) aliquots for compositing. Discrete sampling may be flow proportioned either by varying the time interval between each aliquot or the volume of each aliquot. Time composite samples consisting of a minimum of twenty-four (24) grab samples obtained at hourly or smaller intervals may be collected where the permittee demonstrates that the discharge flow rate (gallons per minute) does not vary by 10% or more during the monitored discharge.

EST= Reported flow is to be based on the technical evaluation of the sources contributing to the discharge.

Grab = An individual sample collected over a period of time not to exceed 15-minutes.

The quarterly monitoring periods shall be January through March, April through June, July through September and October through December. The DMR shall be submitted no later than the 10th day of the month following the monitoring period.

3. Outfall 003 – Hydrostatic Test Waters

a. The effluent shall be free of sheens. There shall be no discharge of floating solids or visible foam in other than trace amounts.

b. During the period beginning with the permit's effective date and lasting until the permit expiration date, the permittee is authorized to discharge from Outfall Number 003.

Parameter	Discharge Limitations				Monitoring Requirements	
	Monthly Average[1]	Weekly Average[1]	Minimum	Maximum[1]	Frequency	Sample Type
Flow (MGD)	NL	N/A	N/A	NL	CNTG	EST
pH	N/A	N/A	6.0 S.U.	9.0 S.U.	CNTG	Grab
Total Petroleum Hydrocarbons[2]	N/A	N/A	N/A	15 mg/L	CNTG	Grab
Benzene	N/A	N/A	N/A	53 µg/L	CNTG	Grab
Ethylbenzene	N/A	N/A	N/A	320 µg/L	CNTG	Grab
Toluene	N/A	N/A	N/A	175 µg/L	CNTG	Grab
Total Xylenes	N/A	N/A	N/A	33 µg/L	CNTG	Grab
Naphthalene[3]	N/A	N/A	N/A	10 µg/L	CNTG	Grab
Chlorine, Total Residual	N/A	N/A	N/A	16 µg/L	CNTG	Grab

[1] See Part I.B.

[2] Samples shall be analyzed using the Wisconsin Department of Natural Resources Modified Diesel Range Organics Method as specified in Wisconsin publication SW-141 (1995) or by EPA SW-846 Method 8015B (1996) for diesel range organics or by EPA SW-846 Method 8270C (1998). If Method 8270C is used, the lab must report the combination of diesel range organics and polynuclear aromatic hydrocarbons.

[3] Naphthalene monitoring required only on tanks containing aviation gasoline, jet fuel or diesel.

MGD = Million gallons per day.
N/A = Not applicable.
NL = No limit; monitor and report.
S.U. = Standard units.

CNTG = Contingent. Two (2) samples per hydrostatic tank test. The first sample shall be collected during the initial discharge or be a representative sample collected and analyzed prior to the discharge. The second sample shall be collected during the discharge of the final 20% by volume or the last two feet of hydrostatic tank test water. Samples shall be collected from the discharge point at the appropriate above ground storage tank.

EST = Reported flow is to be based on the technical evaluation of the sources contributing to the discharge.

Grab = An individual sample collected over a period of time not to exceed 15-minutes.

B. Additional Monitoring Requirements, Quantification Levels and Compliance Reporting

1. Quantification Levels

   a. Maximum quantification levels (QLs) shall be as follows:

Characteristic	Quantification Level
TPH	1.0 mg/L
Benzene	10 µg/L
Ethylbenzene	10 µg/L
Toluene	10 µg/L
Total Xylenes	6.0 µg/L
Naphthalene	10 µg/L
TRC	0.10 mg/L
Copper	3.0 µg/L
Zinc	26 µg/L

   b. The permittee may use any approved method, which has a QL equal to or lower than the QL listed in B.2.a. above. The QL is defined as the lowest concentration used to calibrate a measurement system in accordance with the procedures published for the method.

   c. It is the responsibility of the permittee to ensure that proper quality assurance/quality control (QA/QC) protocols are followed during the sampling and analytical procedures. QA/QC information shall be documented to confirm that appropriate analytical procedures have been used and the required QLs have been attained.

   d. An appropriate analytical method for metals shall be selected from the following list of EPA methods, or any approved method in 40 CFR Part 136, which will achieve a QL that is less than or equal to the QL specified in B.2.a. above.

Metal	**Analytical Methods**
Copper	1638; 1640
Zinc	1638; 1639

2. Compliance Reporting for parameters in Part I.A.

   a. Daily Maximum – Compliance with the daily maximum limitations and/or reporting requirements for the parameters listed in Part I.A. shall be determined as follows: All concentration data below the QL listed in B.2.a. above shall be treated as zero. All concentration data equal to or above the QL listed in B.2.a. above shall be treated as reported. An arithmetic average of the values shall be calculated using all reported data, including defined zeros, collected for each day during the reporting month. The maximum value of these daily averages thus determined shall be reported on the DMR as the Daily Maximum. If all data are below the QL then the average shall be reported as < QL. If reporting for quantity is required on the DMR and the calculated concentration is < QL then report < QL for the quantity otherwise use the calculated concentration to determine the quantity.

   b. Any single datum required shall be reported as < QL if it is less than the QL in B.2.a. above. Otherwise the numerical value shall be reported.

   c. The permittee shall report at least the same number of significant digits as the permit limit for a given parameter. Regardless of the rounding convention used (i.e., 5 always rounding up or to the nearest even number) by the permittee, the permittee shall use the convention consistently, and shall ensure that consulting laboratories employed by the permittee use the same convention.

C. Toxics Monitoring Program Requirements

1. Biological Monitoring for Outfall 001

   a. In accordance with the schedule in Part I.C.2. below, the permittee shall conduct annual acute toxicity tests for the duration of the permit. The permittee should collect a grab sample of the final effluent from Outfall 001.

      The acute test to use is:

      48-Hour Static Acute test using *Ceriodaphnia dubia*

      The acute test is to be conducted using five (5) geometric dilutions of effluent with a minimum of 4 replicates, with 5 organisms in each. The NOAEC as determined by hypothesis testing shall be converted to TU_a, (Acute Toxicity Units) for DMR reporting where $TU_a = 100/NOAEC$. The LC_{50} should also be determined and noted on the submitted report. Tests in which control survival is less than 90% are not acceptable.

   b. The permittee may provide additional samples to address data variability. These data shall be reported. Test procedures and reporting shall be in accordance with the WET testing methods cited in 40 CFR 136.3

   c. Should the results of any test exceed the endpoint cited above, the permittee must conduct a retest of the effluent within 30 days. If an evaluation of the data indicates that a limit is needed, the permit may be modified to include a WET limit and a schedule of compliance.

   d. Should the permittee conduct toxicity testing of the effluent prior to the compliance date listed in the schedule in Part I.C.2. below, the results of the test and the test report shall be reported with the DMR for the month following the receipt of the testing results. In no case shall this exceed 45 days from the completion of the test.

2. Reporting Schedule

   The permittee shall monitor during the month specified and report the results on the DMR and supply a copy of the toxicity test report specified in this Toxics Management Program in accordance with the following schedule:

Period	Sampling Period	DMR/Report Submission Dates
Annual 1	1 May 2008 – 30 April 2009	10 May 2009
Annual 2	1 May 2009 – 30 April 2010	10 May 2010
Annual 3	1 May 2010 – 30 April 2011	10 May 2011
Annual 4	1 May 2011 – 30 April 2012	10 May 2012

3. Sampling Technique for Outfall 001 and Additional Information to be Submitted with the Results of Biological Tests Performed in Accordance with C.1. above

   a. Sampling of each outfall shall, if at all possible, be within the first three hours following the initiation of a rainwater discharge event. If this action cannot be accomplished as required, the sample(s) shall be taken as soon as possible, but not later than 24 hours after the rainwater discharge commences.

   b. The permittee shall submit the following information with the results of the toxicity tests:

      1) An actual measurement or estimate of the effluent flow at the time of sampling.

      2) The time the storm event began, the time the effluent was sampled, and the duration of the storm event.

      3) The duration between the storm event sampled and the end of the previous storm event.

4. Whole Effluent Toxicity (WET) Limitation and Monitoring Requirements for Outfall 002

   a. The WET limitation of 1.8 TU_c (NOEC $\geq$56) in Part I.A. is a final limit with an effective date of 17 February 1993.

   b. In accordance with the schedule in Part I.C.5. below, the permittee shall conduct quarterly chronic toxicity tests using 24-hour flow-proportioned composite samples of the final effluent from Outfall 002. The chronic test to use is:

      Chronic 3-Brood Static Renewal Survival and Reproduction Test using *Ceriodaphnia dubia*

      These chronic tests shall be conducted in such a manner and at sufficient dilutions (minimum of five (5) dilutions) to determine the NOEC (No Observed Effect Concentration) for survival and reproduction or growth. The test endpoint (limit) must be represented by a dilution, and if other than 100%, should be bracketed by at least one dilution above and one dilution below it. The test NOEC shall be expressed as Chronic Toxic Units (TU_c) on the DMR, where $TU_c = 100/NOEC$. The LC_{50} at 48 hours and IC_{25} should be included on the submitted test reports.

   c. The permit may be modified or revoked and reissued to include pollutant specific limits in lieu of a WET limit should it be demonstrated that toxicity is due to a specific parameter(s). The pollutant specific limits must control the toxicity of the effluent.

   d. Test procedures and reporting shall be in accordance with the WET testing methods cited in 40 CFR Part 136.

   e. Should the results of any test exceed the endpoint cited above, the permittee must conduct a retest of the effluent within 30 days. If an evaluation of the data indicates that a limit is needed, the permit may be modified to include a WET limit and a schedule of compliance.

   f. Should the permittee conduct toxicity testing of the effluent prior to the compliance date listed in the schedule in Part I.C.5. below, the results of the test and the test report shall be reported with the DMR for the month following the receipt of the testing results. In no case shall this exceed 45 days from the completion of the test.

5. Reporting Schedule

   The permittee shall report the results on the DMR and supply one copy of the toxicity test reports for each quarterly test in accordance with the following schedule:

Period	Sampling Period	DMR/Report Submission Date
Quarter 1	1 July 2008 to 30 September 2008	10 October 2008
Quarter 2	1 October 2008 to 31 December 2008	10 January 2009
Quarter 3	1 January 2009 to 31 March 2009	10 April 2009
Quarter 4	1 April 2009 to 30 June 2009	10 July 2009
Quarter 5	1 July 2009 to 30 September 2009	10 October 2009
Quarter 6	1 October 2009 to 31 December 2009	10 January 2010
Quarter 7	1 January 2010 to 31 March 2010	10 April 2010
Quarter 8	1 April 2010 to 30 June 2010	10 July 2010
Quarter 9	1 July 2010 to 30 September 2010	10 October 2010
Quarter 10	1 October 2010 to 31 December 2010	10 January 2011
Quarter 11	1 January 2011 to 31 March 2011	10 April 2011
Quarter 12	1 April 2011 to 30 June 2011	10 July 2011
Quarter 13	1 July 2011 to 30 September 2011	10 October 2011
Quarter 14	1 October 2011 to 31 December 2011	10 January 2012
Quarter 15	1 January 2012 to 31 March 2012	10 April 2012
Quarter 16	1 April 2012 to 30 June 2012	10 July 2012
Quarter 17	1 July 2012 to 30 September 2012	10 October 2012
Quarter 18	1 October 2012 to 31 December 2012	10 January 2013
Quarter 19	1 January 2013 to 31 March 2013	10 April 2013

D. Storm Water Monitoring Requirements

1. GENERAL STORM WATER SPECIAL CONDITIONS

a. Quarterly Visual Examination of Storm Water Quality

The permittee shall perform and document a visual examination of a storm water discharge associated with industrial activity from each outfall, except discharges exempted below. The examination(s) must be made at least once in each of the following three-month periods: January through March, April through June, July through September, and October through December.

(1). Examinations shall be made of samples collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed 1 hour) of when the runoff or snowmelt begins discharging. The examination shall document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. The examination must be conducted in a well lit area. No analytical tests are required to be performed on the samples. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previous measurable (greater than 0.1 inch rainfall) storm event. The required 72-hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge from the facility. The required 72-hour storm event interval may also be waived where the permittee documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted. Where practicable, the same individual should carry out the collection and examination of discharges for the entire permit term.

(2). Visual examination reports must be maintained onsite with the pollution prevention plan. The report shall include the outfall location, the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.

(3). If the facility has two or more outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may collect a sample of effluent of one of such outfalls and report that the examination data also applies to the substantially identical outfall(s) provided that the permittee includes in the storm water pollution prevention plan a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area (i.e., low (under 40 percent), medium (40 to 65 percent), or high (above 65 percent) shall be provided in the plan.

(4). When the permittee is unable to conduct the visual examination due to adverse climatic conditions, the permittee must document the reason for not performing the visual examination and retain this documentation onsite with the records of the visual examinations. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

b. Allowable Non-Storm Water Discharges

(1). The following non-storm water discharges are authorized by this permit provided the non-storm water component of the discharge is in compliance with Part I.D.1.b.2.

(a). Discharges from fire fighting activities;

(b). Fire hydrant flushings;

(c). Potable water including water line flushings;

(d). Uncontaminated air conditioning or compressor condensate;

(e). Irrigation drainage;

(f). Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with manufacturer's instructions;

(g). Pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);

(h). Routine external building wash down which does not use detergents;

(i). Uncontaminated ground water or spring water;

(j). Foundation or footing drains where flows are not contaminated with process materials such as solvents;

(k). Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but NOT intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).

(2). Except for flows from fire fighting activities, the Storm Water Pollution Prevention Plan must include:

(a). Identification of each allowable non-storm water source;

(b). The location where it is likely to be discharged; and

(c). Descriptions of appropriate BMPs for each source.

(3). If mist blown from cooling towers is included as one of the allowable non-storm water discharges, the facility must specifically evaluate the potential for the discharges to be contaminated by chemicals used in the cooling tower. The permittee must determine that the levels of such chemicals in the discharges will not cause or contribute to a violation of an applicable water quality standard after implementation of the BMPs selected to control such discharges.

c. Releases of Hazardous Substances or Oil in Excess of Reportable Quantities

The discharge of hazardous substances or oil in the storm water discharge(s) from this facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. This permit does not authorize the discharge of hazardous substances or oil resulting from an onsite spill. Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR 110 (1998), 40 CFR 117 (1998) or 40 CFR 302 (1998) occurs during a 24 hour period, the permittee is required to notify the Department in accordance with the requirements of Part II.G. as soon as he or she has knowledge of the discharge. In addition, the storm water pollution prevention plan required by this permit must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate. This permit does not relieve the permittee of the reporting requirements of 40 CFR 110 (1998), 40 CFR 117 (1998) and 40 CFR 302 (1998) or § 62.1-44.34:19 of the Code of Virginia.

2. STORM WATER POLLUTION PREVENTION PLAN

Refer to Part I.D.3. for sector-specific storm water management requirements.

A storm water pollution prevention plan was required to be developed and implemented for the facility by the previous permit. The existing storm water pollution prevention plan shall be reviewed and modified, as appropriate, to conform to the requirements of this section. The plan shall identify potential sources of pollution that may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices that are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Permittees must implement the provisions of the storm water pollution prevention plan as a condition of this permit.

The storm water pollution prevention plan requirements of this permit may be fulfilled by incorporating by reference other plans or documents such as an erosion and sediment control plan, a spill prevention control and countermeasure (SPCC) plan developed for the facility under Section 311 of the Clean Water Act or best management practices (BMP) programs otherwise required for the facility provided that the incorporated plan meets or exceeds the plan requirements of Part I.D.2.c. If an erosion and sediment control plan is being incorporated by reference, it shall have been approved by the locality in which the activity is to occur or by another appropriate plan approving authority authorized under the Virginia Erosion and Sediment Control Regulation 4 VAC 50-30-10 et seq. All plans incorporated by reference into the storm water pollution prevention plan become enforceable under this permit.

a. Signature and Plan Review

(1). Signature/Location. The plan shall be signed in accordance with Part II.K., and be retained onsite at the facility that generates the storm water discharge in accordance with Part II.B.2.

(2). Availability. The permittee shall make the storm water pollution prevention plan, annual site compliance inspection report, or other information available to the Department upon request.

(3). Required Modifications. The Director, or authorized representative, may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this permit. Such notification shall identify those provisions of the permit that are not being met by the plan, and identify which provisions of the plan require modifications in order to meet the minimum requirements of this permit. Within 60 days of such notification from the Director, (or as otherwise provided by the Director), or authorized representative, the permittee shall make the required changes to the plan and shall submit to the Director a written certification that the requested changes have been made.

b. Keeping Plans Current

The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, that has a significant effect on the potential for the discharge of pollutants to surface waters or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part I.D.2.c. of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. New owners shall review the existing plan and make appropriate changes. Amendments to the plan may be reviewed by the Department in the same manner as Part I.D.2.a.

c. Contents of the Plan

The contents of the pollution prevention plan shall comply with the requirements listed below and those in Part I.D.3. The plan shall include, at a minimum, the following items.

(1). Pollution Prevention Team. The plan shall identify a specific individual or individuals within the facility organization as members of a storm water Pollution Prevention Team that are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.

(2). Description of Potential Pollutant Sources. The plan shall provide a description of potential sources that may reasonably be expected to add significant amounts of pollutants to storm water discharges or that may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. The plan shall identify all activities and significant materials that may potentially be significant pollutant sources. The plan shall include, at a minimum:

(a). Drainage. A site map indicating an outline of the portions of the drainage area of each storm water outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks identified under Part I.D.2.c.2.c). have occurred, and the locations of the following activities where such activities are exposed to precipitation: fueling stations, vehicle and equipment maintenance and/or cleaning areas, loading/unloading areas, locations used for the treatment, storage or disposal of wastes and wastewaters, locations used for the treatment, filtration, or storage of water supplies, liquid storage tanks, processing areas, and storage areas. The map must indicate the outfall locations and the types of discharges contained in the drainage areas of the outfalls; and for each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants that are likely to be present in storm water discharges associated with industrial activity. Factors to consider include the toxicity of chemicals; quantity of chemicals used, produced or discharged; the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants. Flows with a significant potential for causing erosion shall be identified;

(b). Inventory of Exposed Materials. An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of 3 years prior to the date of submission of the application for this permit and the present; method and location of onsite storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff between the time of 3 years prior to the date of the submission of the application for this permit and the present; the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives;

(c). Spills and Leaks. A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility within the 3 year period immediately prior to the date of submission of the application for this permit. Such list shall be updated as appropriate during the term of the permit;

(d). Sampling Data. A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit; and

(e). Risk Identification and Summary of Potential Pollutant Sources. A narrative description of the potential pollutant sources from the following activities: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and onsite waste disposal practices, and wastewater treatment activities to include sludge drying, storage, application or disposal activities. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g., biochemical oxygen demand, total suspended solids, etc.) of concern shall be identified.

(3). Measures and Controls. The permittee shall develop a description of storm water management controls appropriate for the facility and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls.

(a). Good Housekeeping. Good housekeeping requires the clean and orderly maintenance of areas that may contribute pollutants to storm water discharges. The plan shall describe procedures performed to minimize contact of materials with storm water runoff. Particular attention should be paid to areas where raw materials are stockpiled, material handling areas, storage areas, liquid storage tanks, material handling areas, and loading/unloading areas.

(b). Preventive Maintenance. A preventive maintenance program shall involve: timely inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, catch basins); inspection and testing of facility equipment and systems to uncover conditions that could cause breakdowns or failures which could result in discharges of pollutants to surface waters; and appropriate maintenance of such equipment and systems.

(c). Spill Prevention and Response Procedures. Areas where potential spills can occur that can contribute pollutants to storm water discharges, and their accompanying drainage points, shall be identified clearly in the storm water pollution prevention plan. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean up should be available to personnel.

(d). Inspections. Facility personnel who are familiar with the industrial activity, the BMPs and the storm water pollution prevention plan shall be identified to inspect designated equipment and areas of the facility. The inspection frequency shall be specified in the plan based upon a consideration of the level of industrial activity at the facility, but shall be a minimum of quarterly unless more frequent intervals are specified elsewhere in the permit. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained with the pollution prevention plan.

(e). Employee Training. Employee training programs shall inform personnel responsible for implementing activities identified in the storm water pollution prevention plan or otherwise responsible for storm water management at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. The pollution prevention plan shall identify periodic dates for such training.

(f). Recordkeeping and Internal Reporting Procedures. A description of incidents (such as spills, or other discharges), along with other information describing the quality and quantity of storm water discharges shall be included in the plan. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan.

(g). Sediment and Erosion Control. The plan shall identify areas that, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion.

(h). Management of Runoff. The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those that control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The plan shall provide for the implementation and maintenance of measures that the permittee determines to be reasonable and appropriate. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: vegetative swales and practices; reuse of collected storm water (such as for a process or as an irrigation source); inlet controls (such as oil/water separators); snow management activities; infiltration devices, wet detention/retention devices; or other equivalent measures.

(4). Comprehensive Site Compliance Evaluation. Qualified facility personnel who are familiar with the industrial activity, the BMPs and the storm water pollution prevention plan shall conduct site compliance evaluations at appropriate intervals specified in the plan, but in no case less than once a year. Such evaluations shall include the following:

(a). Areas contributing to a storm water discharge associated with industrial activity such as material storage, handling, and disposal activities shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made;

(b). Based on the results of the evaluation, the description of potential pollutant sources identified in the plan in accordance with Part I.D.2.c.2. and pollution prevention measures and controls identified in the plan in accordance with Part I.D.2.c.3. shall be revised as appropriate within 2 weeks of such evaluation and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than 12 weeks after the evaluation;

(c). A report summarizing the scope of the evaluation, personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with Part I.D.2.c.4.b. shall be made and retained as part of the storm water pollution prevention plan for at least 3 years from the date of the evaluation. The report shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with Part II.K.; and

(d). Where compliance evaluation schedules overlap with inspections required under Part I.D.2.c.3.(d)., the compliance evaluation may be conducted in place of one such inspection.

3. STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS SPECIFIC TO PETROLEUM BULK OIL STATIONS AND TERMINALS

Discharges Covered Under This Section. The requirements listed under this section apply to storm water discharges associated with industrial activity from ground transportation facilities and rail transportation facilities (generally identified by SIC Codes 40, 41, 42, 43, and 5171), that have vehicle and equipment maintenance shops (vehicle and equipment rehabilitation, mechanical repairs, painting, fueling and lubrication) and/or equipment cleaning operations. Also covered under this section are facilities found under SIC Codes 4221 through 4225 (public warehousing and storage) that do not have vehicle and equipment maintenance shops and/or equipment cleaning operations.

In addition to the requirements of Part I.D.2., the SWPPP shall include, at a minimum, the following items:

a. Site Description

Site Map. The site map shall identify the locations of any of the following activities or sources: fueling stations; vehicle/equipment maintenance or cleaning areas; storage areas for vehicle/equipment with actual or potential fluid leaks; loading/unloading areas; areas where treatment, storage or disposal of wastes occur; liquid storage tanks; processing areas; storage areas; and all monitoring areas.

b. Summary of Potential Pollutant Sources

The plan shall describe and assess the potential for the following to contribute pollutants to storm water discharges: on-site waste storage or disposal; dirt/gravel parking areas for vehicles awaiting maintenance; and fueling areas.

c. Storm Water Controls

(1). Good Housekeeping.

(a). Vehicle and Equipment Storage Areas. The storage of vehicles and equipment awaiting maintenance with actual or potential fluid leaks must be confined to designated areas (delineated on the site map). The permittee shall consider the following measures (or their equivalents): the use of drip pans under vehicles and equipment; indoor storage of vehicles and equipment; installation of berms or dikes; use of absorbents; roofing or covering storage areas; and cleaning pavement surface to remove oil and grease.

(b). Fueling Areas. The permittee shall describe and implement measures that prevent or minimize contamination of the storm water runoff from fueling areas. The permittee shall consider the following measures (or their equivalents): covering the fueling area; using spill/overflow protection and cleanup equipment; minimizing storm water run-on/runoff to the fueling area; using dry cleanup methods; and treating and/or recycling collected storm water runoff.

(c). Material Storage Areas. Storage vessels of all materials (e.g., for used oil/oil filters, spent solvents, paint wastes, hydraulic fluids) must be maintained in good condition, so as to prevent contamination of storm water, and plainly labeled (e.g., "used oil", "spent solvents" etc.). The permittee shall consider the following measures (or their equivalents): indoor storage of the materials; installation of berms/dikes around the areas, minimizing runoff of storm water to the areas; using dry cleanup methods; and treating and/or recycling the collected storm water runoff.

(d). Vehicle and Equipment Cleaning Areas. The permittee shall describe and implement measures that prevent or minimize contamination of storm water runoff from all areas used for vehicle/equipment cleaning. The permittee shall consider the following measures (or their equivalents): performing all cleaning operations indoors; covering the cleaning operation; ensuring that all washwaters drain to a proper collection system (i.e., not the storm water drainage system unless VPDES permitted); and treating and/or recycling the collected storm water runoff. Note: the discharge of vehicle/equipment wash waters, including tank cleaning operations, are not authorized by this permit and must be covered under a separate VPDES permit or discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements.

(e). Vehicle and Equipment Maintenance Areas. The permittee shall describe and implement measures that prevent or minimize contamination of the storm water runoff from all areas used for vehicle/equipment maintenance. The permittee shall consider the following measures (or their equivalents): performing maintenance activities indoors; using drip pans; keeping an organized inventory of materials used in the shop; draining all parts of fluids prior to disposal; prohibiting wet clean up practices where the practices would result in the discharge of pollutants to storm water drainage systems; using dry cleanup methods; treating and/or recycling collected storm water runoff; and minimizing run-on/runoff of storm water to maintenance areas.

(f). Locomotive Sanding (Loading Sand for Traction) Areas. The plan must describe measures that prevent or minimize contamination of the storm water runoff from areas used for locomotive sanding. The permittee shall consider the following measures (or their equivalents): covering sanding areas; minimizing storm water run-on/runoff; or appropriate sediment removal practices to minimize the off-site transport of sanding material by storm water.

(2). Routine Facility Inspections. The following areas/activities shall be included in all inspections: storage area for vehicles/equipment awaiting maintenance; fueling areas; indoor and outdoor vehicle/equipment maintenance areas; material storage areas; vehicle/equipment cleaning areas; and loading/unloading areas.

(3). Employee Training. Employee training shall take place, at a minimum, annually (once per calendar year). Employee training must address the following, as applicable: used oil and spent solvent management; fueling procedures; general good housekeeping practices; proper painting procedures; and used battery management.

(4). Non-Storm Water Discharges. For facilities that discharge vehicle and equipment washwaters to the sanitary sewer system, the operator of the sanitary system and associated treatment plant must be notified. In such cases, a copy of the notification letter must be attached to the plan. If an industrial user permit is issued under a pretreatment program, a reference to that permit must be in the plan. In all cases, any permit conditions or pretreatment requirements must be considered in the plan. If the washwaters are handled in another manner (e.g., hauled off-site), the disposal method must be described and all pertinent documentation (e.g., frequency, volume, destination, etc.) must be attached to the plan.

E. Other Requirements and Special Conditions

1. Operation and Maintenance (O&M) Manual Requirement

The permittee shall review the existing Operations and Maintenance (O&M) Manual and notify the DEQ Northern Regional Office, in writing on or before 15 July 2008, whether it is still accurate and complete. If the O&M Manual is no longer accurate and complete, a revised O&M Manual shall be submitted for approval to the DEQ Northern Regional Office on or before 15 July 2008. The permittee will maintain an accurate, approved O&M Manual for the treatment works. This manual shall include, but not necessarily be limited to, the following items, as appropriate:

a. Treatment system design, treatment system operation, routine preventative maintenance of units within the treatment system, critical spare parts inventory and record keeping;

b. Techniques to be employed in the collection, preservation and analysis of effluent samples (and sludge samples if sludge analyses are required);

c. Procedures for handling, storing, and disposing of all wastes, fluids and pollutants that will prevent these materials from reaching state waters;

d. A plan for the management and/or disposal of waste solids and residues (Sludge Management Plan);

e. Discussion of Best Management Practices, if applicable; and

f. Procedures for measuring and recording the duration and volume of treated wastewater discharged.

Any changes in the practices and procedures followed by the permittee shall be documented and submitted for staff approval within 90 days of the effective date of the changes. Upon approval of the submitted manual changes, the revised manual becomes an enforceable part of the permit. Noncompliance with the O&M Manual shall be deemed a violation of the permit.

2. Notification Levels

The permittee shall notify the Department as soon as they know or have reason to believe:

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:

(1) One hundred micrograms per liter;

(2) Two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter for antimony;

(3) Five times the maximum concentration value reported for that pollutant in the permit application; or

(4) The level established by the Board.

b. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant, which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:

(1) Five hundred micrograms per liter;

(2) One milligram per liter for antimony;

(3) Ten times the maximum concentration value reported for that pollutant in the permit application; or

(4) The level established by the Board.

3. Oil Storage Ground Water Monitoring Reopener

As this facility currently manages ground water in accordance with 9 VAC 25-90-10 et seq., Oil Discharge Contingency Plans and Administration Fees for Approval, this permit does not presently impose ground water monitoring requirements. However, this permit may be modified or alternately revoked and reissued to include ground water monitoring not required by the ODCP regulation.

4. Materials Handling/Storage

Any and all product, materials, industrial wastes, and/or other wastes resulting from the purchase, sale, mining, extraction, transport, preparation, and/or storage of raw or intermediate materials, final product, by-product or wastes, shall be handled, disposed of, and/or stored in such a manner so as not to permit a discharge of such product, materials, industrial wastes, and/or other wastes to State waters, except as expressly authorized.

5. Hydrostatic Testing

The permittee shall obtain approval from the DEQ Northern Virginia Regional Office forty-eight (48) hours in advance of any discharge resulting from hydrostatic testing. The conditions of approval will be contingent on the volume and duration of the proposed discharge, and the nature of the residual product.

6. No Discharge of Detergents, Surfactants, or Solvents to the Oil/Water Separators

This special condition is necessary to ensure that the oil/water separators' performance is not impacted by compounds designed to emulsify oil. Detergents, surfactants, and some other solvents will prohibit oil recovery by physical means.

7. Zinc Monitoring Reduction for Outfall 002

The permittee may request a reduction in monitoring frequency for Zinc at Outfall 002 from once per calendar quarter to semi-annual upon completion of eight (8) consecutive sampling events with no exceedences of the limitation in Part I.A. of the permit. If further sampling indicates levels above the permitted level, quarterly monitoring may be re-instated.

8. Total Maximum Daily Load (TMDL) Reopener

This permit shall be modified or alternatively revoked and reissued if any approved wasteload allocation procedure, pursuant to Section 303(d) of the Clean Water Act, imposes wasteload allocations, limits or conditions on the facility that are not consistent with the permit requirements.

CONDITIONS APPLICABLE TO ALL VPDES PERMITS

A. Monitoring

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.

2. Monitoring shall be conducted according to procedures approved under Title 40 Code of Federal Regulations Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.

3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.

B. Records

1. Records of monitoring information shall include:

   a. The date, exact place, and time of sampling or measurements;
   b. The individual(s) who performed the sampling or measurements;
   c. The date(s) and time(s) analyses were performed;
   d. The individual(s) who performed the analyses;
   e. The analytical techniques or methods used; and
   f. The results of such analyses.

2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Board.

C. Reporting Monitoring Results

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to:

   Department of Environmental Quality - Northern Regional Office (DEQ-NRO)
   13901 Crown Court
   Woodbridge, VA 22193

   Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the Department.

2. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under Title 40 of the Code of Federal Regulations Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Department.

3. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to Provide Information.

The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from this discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

E. Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized Discharges

Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of Unauthorized Discharges.

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II.F.; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II.F., shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the Department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of Unusual or Extraordinary Discharges.

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part II.I.2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of Noncompliance

The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:

    a. Any unanticipated bypass; and
    b. Any upset which causes a discharge to surface waters.

2. A written report shall be submitted within 5 days and shall contain:

    a. A description of the noncompliance and its cause;
    b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
    c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

    The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part II.I. if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts II, I.1.or I.2., in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II.I.2.

NOTE: The immediate (within 24 hours) reports required in Parts II, G., H. and I. may be made to the Department's Northern Regional Office at (703) 583-3800 (voice) or (703) 583-3841 (fax). For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24-hour telephone service at 1-800-468-8892.

J. Notice of Planned Changes.

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

    a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

        1) After promulgation of standards of performance under Section 306 of Clean Water Act which are applicable to such source; or

        2) After proposal of standards of performance in accordance with Section 306 of Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal;

    b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or

    c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory Requirements.

1. All permit applications shall be signed as follows:

   a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

      1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or

      2) The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

   b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

   c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes:

      1) The chief executive officer of the agency, or

      2) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part II.K.1., or by a duly authorized representative of that person. A person is a duly authorized representative only if:

   a. The authorization is made in writing by a person described in Part II.K.1.;
   b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
   c. The written authorization is submitted to the Department.

3. Changes to authorization. If an authorization under Part II.K.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II.K.2. shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Parts II, K.1. or K.2. shall make the following certification:

   "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to Comply.

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to Reapply.

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. All permittees with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

N. Effect of a Permit.

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State Law.

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II.U.), and "upset" (Part II.V.) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and Hazardous Substance Liability.

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper Operation and Maintenance.

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of solids or sludges.

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to Mitigate.

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to Halt or Reduce Activity not a Defense.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass.

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II, U.2. and U.3.

2. Notice

   a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass.
   b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II.I.

3. Prohibition of bypass.
   a. Bypass is prohibited, and the Board may take enforcement action against a permittee for bypass, unless:

      1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
      2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
      3) The permittee submitted notices as required under Part II.U.2.

   b. The Board may approve an anticipated bypass, after considering its adverse effects, if the Board determines that it will meet the three conditions listed above in Part II.U.3.a.

V. Upset.

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part II.V.2. are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.

2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

   a. An upset occurred and that the permittee can identify the cause(s) of the upset;
   b. The permitted facility was at the time being properly operated;
   c. The permittee submitted notice of the upset as required in Part II.I.; and
   d. The permittee complied with any remedial measures required under Part II.S.

3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit Actions.

Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits

1. Permits are not transferable to any person except after notice to the Department. Except as provided in Part II.Y.2., a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.

2. As an alternative to transfers under Part II.Y.1., this permit may be automatically transferred to a new permittee if:

    a. The current permittee notifies the Department at least 30 days in advance of the proposed transfer of the title to the facility or property;
    b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
    c. The Board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II.Y.2.b.

Z. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.